

MEMORANDUM

SEPTEMBER 30, 1982

TO: BOSTON REDEVELOPMENT AUTHORITY

FROM: ROBERT J. RYAN, DIRECTOR

SUBJECT: AMENDMENT TO ZONING CODE TEXT: PLANNED DEVELOPMENT AREA REGULATIONS

In order for the Authority and the City to be involved in the early process of large scale developments of five acres or more, it is proposed that the present Planned Development Areas regulations in the Zoning Code be amended to provide that a master plan be submitted for approval to the Authority and the Zoning Commission at the time of the zoning map amendment for a Planned Development Area. This would provide a procedure for early presentation of such master plan at public hearing before the Authority and the Zoning Commission prior to drafting of so-called development plans for specified portions of the overall area.

Subsequent to the approval of such master plan, a detailed Development Plan, or Plans in the case of a staged development, would go through the additional public hearing approval process by the Authority and the certification by the Authority that plans submitted to the Building Department in connection with building permit applications in such Planned Development Areas were in conformity with the Development Plan.

The proposed amendment would also provide that zoning exceptions granted by the Board of Appeal in connection with a Planned Development Area of five or more acres would not lapse if not used within two years if the Authority certified that work within such Planned Development Area had commenced and was diligently proceeding.

I recommend that the Authority authorize the Advisor to the Zoning Commission to petition said Commission for an amendment to Sections 3-1A and 6A-1 of the Zoning Code that is in general conformity with the attached draft amendment.

A proposed vote follows.

VOTED: That the Boston Redevelopment Authority hereby authorizes the Advisor to the Zoning Commission to petition said Commission for an amendment to the Boston Zoning Code which would change the regulations for Planned Development Areas (P.D.A.s), said amendment to be substantially in accordance with the attachment dated September 30, 1982. Said amendment would allow the Authority and the City to be involved in the very early stages of large scale development of five acres or more and would provide a procedure for early presentation of a master plan concept at public hearings before the Authority and the Zoning Commission at the time of the designation of an overall Planned Development Area map amendment.

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SECTION 3-1A. Special Purpose Overlay Districts. A subdistrict or part thereof or a contiguous group of subdistricts or parts thereof may be designated as a special purpose overlay district as follows: (a) planned development area (distinguished by the addition of the letter "D" to the designation of the subdistrict or subdistricts); (b) urban renewal area (distinguished by the addition of the letter "U" to the designation of the subdistrict or subdistricts); (c) adult entertainment district (distinguished by the addition of the letter "E" to the designation of the subdistrict or subdistricts); (d) restricted parking district; (e) flood hazard district or (f) institutional district. In an overlay district the regulations specified for the base subdistrict or subdistricts shall apply, insofar as they are not in conflict with special regulations specified for a particular overlay district.

Planned Development Areas. The whole or any part of a subdistrict may be established as a planned development area if such area contains not less than one acre and the commission has received from the Boston Redevelopment Authority a development plan or, if the area contains not less than five acres, a master plan, in either case approved by said Authority after a public hearing, for the development of the planned development area, singly or in connection with other planned development areas, provided, however, that no development plan or master plan shall be approved by said Authority unless said Authority finds that

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such plan conforms to the general plan for the City as a whole and that nothing in such plan will be injurious to the neighborhood or otherwise detrimental to the public welfare. A development plan shall set forth the proposed location and appearance of structures, open spaces and landscaping, proposed uses of the area, densities, proposed traffic circulation, parking, and loading facilities, access to public transportation, proposed dimensions of structures, and may include proposed building elevations, schematic layout drawings and exterior building materials, and such other matters as said Authority deems appropriate to its consideration of the proposed development of the area. If the area contains not less than 5 acres, a master plan may be submitted setting forth only a statement of the development concept, including the planning objectives and character of the development, the proposed uses of the area, the range of dimensional requirements contemplated for each of the proposed uses, the proposed phasing of construction of the development and such of the other items set forth above as the Authority may request in order to make its required finding. If a master plan has been approved by the Authority, and a planned development area established by the Commission, a development plan for a planned development area, or a portion thereof, conforming to the foregoing requirements shall be submitted to and approved by said Authority, after a public hearing, before work proceeds in such

area or portion thereof. To insure that no work proceeds other than in accordance with an approved development plan, no structure shall be erected, reconstructed, or structurally changed or extended in a planned development area, whether or not a master plan has been approved for such area, unless all drawings and specifications therefor shall have been subjected to design review and approved by said Authority.

Minor amendments may be made to a development plan or a master plan with the written approval of the Authority. Major amendments shall be made in the same manner as initial approval of the development plan or master plan which is being amended, and initial establishment by the commission of the corresponding planned development area.

The Building Commissioner shall not issue any building or use permit with respect to any building, structure, or land within a planned development area unless the Director of the Authority has certified on the application therefor and on each and every plan filed with the Building Commissioner in connection therewith that the same is consistent with the development plan for such planned development area or the portion thereof to which such permit relates. Except as otherwise provided in Article 6A, planned development areas shall be subject to all the provisions of this code applicable to the subdistrict in which the area is located.

[No change in balance of Section 3-1A]

SECTION 6A-1. Authorization for Exceptions in Planned Development and Urban Renewal Areas. As provided for in Section 10 of Chapter 665 of the Acts of 1956, as now in force or hereafter amended, and subject to the provisions of Sections 6A-2, 6A-3 and 6A-4, the Board of Appeal may, in a specific case after public notice and hearing, allow an exception from the provisions of this code. Such exception shall lapse and become null and void unless (a) such exception is used within two years after the record of said Board's proceedings pertaining thereto is filed with the Building Commissioner pursuant to Section 8 of said Chapter 665, or (b) such exception relates to work in a planned development area of not less than 5 acres, or to the use thereof, and within such two year period the Authority files with the Board a certificate that work within said planned development area has been commenced and is diligently proceeding in which case such exception shall not lapse unless thereafter the Authority files with the Board a certificate that such work is not diligently proceeding.

